

RECEIVED

AUG 02 2010

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS **GAMBLING COMMISSION**
FOR THE GAMBLING COMMISSION **COMM & LEGAL DEPT**

In the Matter of the Revocation of the License
to Conduct Gambling Activities of:

BUNTRY ROM,

Licensee.

OAH No. 2010-GMB-0028
GC No. CR 2010-00353

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND INITIAL ORDER

Administrative Law Judge John M. Gray conducted an administrative hearing in this matter on July 19, 2010, at the Gambling Commission Office, 4565 7th Avenue, Lacey, Washington.

Bruce Marvin, Assistant Attorney General, appeared and represented the Washington State Gambling Commission ("Commission"). Julie Sullivan, Special Agent with the Commission, appeared as a witness for the Commission. The Commission offered, without objection, exhibits 1 through 15, which were admitted. Certified copies of exhibits 5 through 15 were supplied in addition to the uncertified copies of the same exhibits.

Buntry Rom ("Ms. Rom"), the Licensee, appeared and represented herself. She had no other witnesses. Ms. Rom offered no exhibits.

PROCEDURAL HISTORY:

On April 7, 2010, the Director of the Commission caused a Notice of Administrative Charges to be issued against Ms. Rom. The Director alleged that Ms. Rom failed to pay court ordered fines and fees, and that she currently owes \$4,528, which the various jurisdictions have assigned to collection agencies due to nonpayment by Ms. Rom.

INITIAL ORDER

On June 2, 2010, the Commission issued a Notice of Hearing setting this matter for hearing on July 19, 2010, at 9:00 AM, at the Commission office located at 4565 7th Avenue SE, Lacey, Washington.

The Administrative Law Judge, having considered the evidence, now enters the following Findings of Fact:

FINDINGS OF FACT

1. Ms. Rom holds a public card room employee license, No. 68-29133, issued by the Commission. That license will expire on March 31, 2011.
2. The Commission became aware of Ms. Rom's court-ordered fines and fees during a routine annual criminal history check. The Commission assigned Special Agent Julie Sullivan to investigate further. Special Agent Sullivan investigated and prepared a case report that formed the basis for the Commission's decision to seek the revocation of Ms. Rom's license.
3. On or about November 18, 2009, Ms. Rom was charged in King County District Court with violating RCW 46.61.400 (speeding 15 miles per hour over the speed limit). The case number was 9Y6319194. The Court entered a judgment of committed and fined Ms. Rom \$196, which she did not pay. The Court assigned her unpaid debt to Allianceone Receivables Management ("Allianceone") on March 16, 2010. Ms. Rom has not paid the debt of \$196 as of July 19, 2010.
4. On or about June 9, 2009, Ms. Rom was charged in King County District Court with violating RCW 46.61.400 (speeding 21 miles per hour over the speed limit). The case number was 9Y6135612. The Court entered a judgment of committed and fined Ms. Rom \$258, which

she did not pay. The Court assigned her unpaid debt to Allianceone on October 13, 2009. Ms. Rom has not paid the debt of \$258 as of July 19, 2010.

5. On or about November 18, 2008, Ms. Rom was charged in Pierce County District Court with violating RCW 46.20.342(1)(c) (driving while license suspended, third degree) ("charge 1") and RCW 46.20.015 (driving without a license) ("charge 2"). The case number was 8Y6057880. On April 29, 2009, the Court amended charge 1 to a lesser charge, entered judgments of committed, and fined Ms. Rom \$250 for charge 2. Also on April 29, the Court assigned Ms. Rom to work five days on a work crew in lieu of assessing a monetary fine. Ms. Rom failed to appear for work, as noted by the Court on June 5, 2009. On October 12, 2009, Ms. Rom agreed in court to a time payment plan to pay a \$250 fine. Ms. Rom failed to comply with the terms of a payment agreement on charge 2, as noted by the Court on January 27, 2010, and the Court removed the case from the time pay agreement. The Court assigned her unpaid debt to OSI Collections on March 8, 2010. Ms. Rom has not paid the debt of \$250 as of July 19, 2010.

6. On or about November 18, 2008, Ms. Rom was charged in Pierce County District Court with violating RCW 46.61.400 (speeding 14 miles per hour over the speed limit). The case number was 8Y6057879. The Court entered a judgment of committed and fined Ms. Rom \$206, which she failed to pay. The Court assigned her unpaid debt to OSI Collections on February 26, 2009. Ms. Rom has not paid the debt of \$206 as of July 19, 2010.

7. On or about May 5, 2008, Ms. Rom was charged in Pierce County District Court with violating RCW 46.61.525 (negligent driving in the second degree). The case number was 8P5460623. The Court entered a judgment of committed and fined Ms. Rom \$590, which she

failed to pay. The Court assigned her unpaid debt to OSI Collections on July 11, 2008. Ms. Rom has not paid the debt of \$590 as of July 19, 2010.

8. On or about May 5, 2008, Ms. Rom was charged in Pierce County District Court with violating RCW 46.20.342(1)(c) (driving while license suspended, third degree) ("charge 1") and RCW 46.20.015 (driving without a license) ("charge 2"). The case number was 8P0700380. On April 29, 2009, the Court amended charge 1 to a lesser charge, entered judgments of committed, and fined Ms. Rom \$250 for charge 2. Also on April 29, the Court assigned Ms. Rom to work for five days on a work crew in lieu of a monetary fine. Ms. Rom failed to appear as ordered, as noted by the Court on June 5, 2009. On October 12, 2009, Ms. Rom agreed in court to a time payment plan to pay a \$250 fine. Ms. Rom failed to comply with the terms of a payment agreement on charge 2, and the Court removed the case from the time payment plan, as noted by on January 27, 2010. The Court assigned her unpaid debt to OSI Collections for collection on March 8, 2010. Ms. Rom has not paid the debt of \$250 as of July 19, 2010.

9. On or about October 8, 2007, Ms. Rom was charged in Lakewood Municipal Court with violating a statute or ordinance prohibiting the operation of a motor vehicle without having driver's license in her possession. The case number was CR0027690. On January 8, 2008, the Court amended the charge to no valid operator's license on her person, entered a judgment of committed, and fined Ms. Rom. On January 14, 2008, the Court approved a payment plan, on which Ms. Rom defaulted. On May 7, 2008, the Court removed the case from the time pay agreement. On July 8, 2008, the Court assigned her unpaid debt to Allianceone for collection. Ms. Rom has not paid the debt of \$186 as of July 19, 2010.

10. On or about August 24, 2007, Ms. Rom was charged in Lakewood Municipal Court with violating a statute or ordinance prohibiting the operation of a motor vehicle without proof of insurance. The case number was IN0105582. On October 22, 2007, the Court entered a judgment of committed and fined Ms. Rom \$602. She agreed to a time payment plan, but defaulted before completing payments. On May 7, 2008, the Court removed the case from the time payment agreement. The Court assigned her unpaid debt to Alliance One for collection on July 8, 2008. Ms. Rom has not paid the debt of \$177 as of July 19, 2010.

11. On or about August 24, 2007, Ms. Rom was charged in Lakewood Municipal Court with a criminal traffic offense. The case number was CR0028174. After several failures to appear by Ms. Rom, the Court amended the charge, on January 8, 2008, to no valid operator's license on her person, entered a finding of committed, and fined Ms. Rom \$176. She failed to pay that fine. The Court assigned her unpaid obligation to Allianceone for collection on March 5, 2008. Ms. Rom has not paid the debt of \$176 as of July 19, 2010.

12. On or about December 20, 2006, Ms. Rom was charged in Tacoma Municipal Court with violating RCW 46.61.185 (failure to yield the right of way) ("charge 1"), RCW 46.20.015 (operating a motor vehicle without her driver's license in her possession) ("charge 2"), and RCW 46.30.020 (operating a motor vehicle without proof of insurance) ("charge 3"). The Court amended Charge 2 on January 4, 2007. On January 18, 2007, the Court entered judgments of committed on all three charges and fined Ms. Rom \$1,229. Of that amount, she paid \$155.76. The Court assigned her remaining unpaid obligation of \$1,073.24 to NCO Financial Systems for collection on January 13, 2009. Ms. Rom has not paid the debt of \$1,073.24 as of July 19, 2010.

13. On or about May 5, 2006, Ms. Rom was charged in Tacoma Municipal Court with violating RCW 46.20.015 (operating a motor vehicle without a valid driver's license in her possession) ("charge 1"), RCW 46.30.020 (operating a motor vehicle without proof of insurance) ("charge 2"), and RCW 46.61.145 (following too closely) ("charge 3"). On June 1, 2006, the Court entered judgments of committed on all three charges and fined Ms. Rom \$1,239. She agreed to a time payment plan. She paid \$125 between July 12, 2006, and November 21, 2006. However, she defaulted. On February 1, 2007, the Court removed the case from the time payment agreement. The Court assigned her remaining unpaid obligation of \$1,166 to NCO Financial Systems for collection on January 13, 2009. Ms. Rom has not paid the debt of \$1,166 as of July 19, 2010.

14. In addition to the failure to pay court fines, the exhibits in this case show that Ms. Rom frequently failed to appear in court when ordered to do so.

15. Ms. Rom owes \$4,528.24 that has been referred to collection agencies. The Commission proposes to revoke Ms. Rom's public card room employee's license because of her failure to pay the fines in her cases.

16. Ms. Rom works part time at Freddie's Club of Fife, no more than 15 hours per week and earns \$10 per hour. She has no other jobs. She was formerly employed at the Emerald Queen Casino. Aside from a job at Krispy Kreme and another restaurant, she has no other work experience. She has no car and no driver's license.

CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Administrative Law Judge now enters the following Conclusions of Law:

INITIAL ORDER

1. The undersigned Administrative Law Judge has jurisdiction to hear and initially decide this matter in an adjudicative proceeding. RCW 34.05.485(1)(c), 34.12.030(1), 9.46.095 and WAC 230-17-025.

2. During the time covered by the evidence in this case, the licensee, Ms. Rom, has been the holder of a public card room employee license authorizing her to act as a public card room employee and is subject to the provisions of RCW 9.46.075 and WAC 230-03-085.

3. The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control. The Commission is required to closely control all factors incident to the activities authorized in Ch. 9.46 RCW, and the provisions of Ch. 9.46 RCW are to be liberally construed to achieve those ends. RCW 9.46.010.

4. The Commission proved by a preponderance of the evidence that Ms. Rom's gambling license should be revoked because of her willful disregard for complying with ordinances, statutes, administrative rules, and court orders, at the state and local level. WAC 230-03-085(3).

Between May 5, 2006, and June 9, 2009, Ms. Rom was charged with 17 driving infractions in multiple jurisdictions. She agreed to multiple payment plans, but failed to complete even one plan successfully. She frequently failed to appear in court when she was required to do so.

5. The Commission proved by a preponderance of the evidence that Ms. Rom's prior activities, criminal record, and habits pose a threat to the effective regulation of gambling, and creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. WAC 230-03-085(8). The evidence clearly shows Ms. Rom's willful disregard of Title 46 RCW and raises a question of her willingness to comply with the

statutes in Ch. 9.46 RCW and with the administrative rules in Title 230 WAC. The evidence shows that Ms. Rom owes \$4,528 in unpaid fines, and the Commission is legitimately and appropriately concerned whether Ms. Rom will be tempted to misappropriate gambling establishment money to satisfy her person unpaid debts.

6. Each licensee has an affirmative responsibility to establish, by clear and convincing evidence, her continuing qualifications for licensure. RCW 9.46.153(1). Each holder of a license issued pursuant to chapter 9.46 RCW is subject to continuous scrutiny regarding her general character, integrity and ability to engage in or participate in, or associate with, gambling or related activities impacting this state. RCW 9.46.153(7). Ms. Rom failed to establish, by clear and convincing evidence, her continuing qualifications for licensure. The evidence shows frequent motor vehicle law violations. As the Commission noted at the hearing, a traffic ticket, in and of itself, is of no particular concern to the Commission in its ongoing regulation of gambling in Washington State. Ms. Rom's case, however, shows repeated violations of statutes and ordinances, failures to appear in court when required to do so, and failures to pay the traffic fines and fees the Courts ordered her to pay as a consequence of her traffic violations. The Commission is understandably concerned that Ms. Rom, as a holder of a gambling license, will not comply with the statutes enacted by the Legislature and the administrative rules adopted by the Commission as they relate to gambling. I have noted, in Ms. Rom's favor, that the Commission presented no evidence of misfeasance or malfeasance with regard to gambling activity per se (nor did the Commission contend that she had). However, Ms. Rom failed to present any clear and convincing evidence that she continues to be qualified for a gambling license while repeatedly violating other provisions of the law.

7. To closely control all factors incident to the activities authorized in chapter 9.46 RCW, the provisions of the chapter shall be liberally construed to achieve such ends. The general public can find itself in a particularly vulnerable position if a person licensed to conduct gambling activities fails to discharge her occupation with a sense of justice and honesty. The Commission's evidence has established that the revocation of Ms. Rom's license to act as a public card room employee is in the public interest. Ms. Rom has frequently disregarded her obligation to pay her traffic and criminal fines. Her failure to pay her fines not only reflects on her unwillingness to comply with the traffic laws and the judicially imposed consequences of her misbehavior, but it also raises the question of her willingness to comply with the statutes and administrative rules relating to gambling.

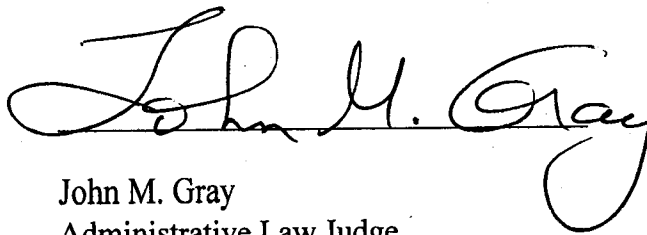
8. The Commission has proved by a preponderance of the evidence that it may revoke Ms. Rom's gambling license under RCW 9.46.075(1) and (8), RCW 9.46.153(1), and WAC 230-03-085(1), (3), and (8). I conclude that Ms. Rom's license should be revoked based upon the foregoing Conclusions of Law, and that revocation is in the public interest.

From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS HEREBY ORDERED That the card room employee license of Buntry Rom be, and the same is, REVOKED.

DATED at Olympia, Washington, this 29th day of July, 2010.



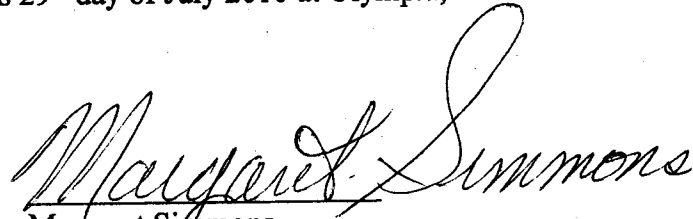
John M. Gray
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO THE PARTIES

Initial orders must be entered in accordance with RCW 34.05.461(3). WAC 230-17-085(1). An initial order becomes the final order unless a party files a petition for review of the initial order as explained in WAC 230-17-090. WAC 230-17-085(2). RCW 34.05.464 governs the review of initial orders. WAC 230-17-090(1). Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with us within twenty days of the date of service of the initial order unless otherwise stated. Parties must serve copies of the petition to all other parties or their representatives at the time the petition for review is filed. WAC 230-17-090(2). Petitions must specify the portions of the initial order the parties disagree with and refer to the evidence in the record on which they rely to support their petition. WAC 230-17-090(3). Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with us within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is filed. WAC 230-17-090(4). Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us. WAC 230-17-090(5). Copies of the petition or the cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed. WAC 230-17-090(6). After we receive the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order. WAC 230-17-090(7).

Certification of Mailing

I certify that I mailed true and correct copies of the **Findings of Fact, Conclusions of Law and Initial Order** to the following parties, postage prepaid this 29th day of July 2010 at Olympia, Washington.


Margaret Simmons
Legal Secretary

Buntry Rom
4317 E. Salishan Blvd.
Tacoma, WA 98404

Washington State Gambling Commission
Communications and Legal Department
PO Box 42400
Olympia, WA 98504-2400

H. Bruce Marvin
Assistant Attorney General
Office of the Attorney General – GCE
Division
PO Box 40100
Olympia, WA 98504-0100